

provisions of the Master Settlement Agreement—no marketing to children whatsoever, and specifically no tobacco advertisements in publications targeted at young people. Was this an oversight on a massive scale or another brick knocked out of the tobacco cartel's youth marketing stonewall? We may never know; but it shows the importance of independent groups and individuals closely monitoring all aspects of any and every tobacco control regulation.

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Hungary: tobacco ads forced back inside

On 19 December 2000 the National Assembly of Hungary passed the amendment of the 1997 Act on Advertising, which introduced a comprehensive ban on tobacco advertising. (*Tobacco Control* 2002;11:79–81). The ban was to take effect on 1 July 2001 for print media and 1 January 2002 for outdoor advertising, including posters, billboards, and other forms of advertisements. The law only allows “exhibition of tobacco products and their prices” at the point-of-sale (POS), advertising in industry publications and, on request, for global motor sport events, such as the Hungarian Formula 1 race.

Tobacco industry representatives, supported by interest groups of the advertising industry, expressed their disappointment and obtuseness around the law. Their first thought was to challenge the law in the Constitutional Court, because of the violation of commercial freedom of speech. While a law firm prepared the submission, the challenge was never initiated. Instead, tobacco companies started thinking about ways to evade the regulation in an attempt to remain as visible to the public as possible. A representative of an advertising agency even thought about behind-the-scenes agreements between the tobacco company and the publisher of the illegal ad, through which the company assumes the expected fine. In the end, neither of these tactics have been used. Tobacco companies chose to conclude a deal with the Self-regulation Advertising Board (an association with a membership of a wide range of “advertisers”, including all major transnational tobacco companies), and to develop their own interpretation of what POS meant.

The result was disappointing for tobacco control advocates and for those who were committed to controlling tobacco through administrative means. Again, tobacco advertisements became



The ubiquitous Marlboro logo, now being forced off the streets in Hungary.

part of the scene on our streets. As it later turned out, the Consumer Protection Directorate (CPD), a government based agency responsible for enforcing the ban, received instruction from the Ministry of Economic Affairs to apply the tobacco industry's interpretation of the law. As a consequence, CPD turned a blind eye to the everyday, illegal practice of the industry.

The Hungarian National Smoke-free Association (NSFA) decided to intervene. Without having information on the deal on which CPD enquiries about outdoor tobacco ads were based, it first collected information and reported to CPD illegal practices of which it became aware. It was only after its claims had been rejected by CPD that it made its next step.

First, NSFA asked the ombudsman's office to take a stand on the issue. On 4 February 2003 the ombudsman took the position that tobacco advertising was not allowed in shop windows or shop fronts. Next, NSFA sued CPD for deeming legal a tobacco advertisement placed outside a bar in Budapest. In a precedent setting court case the Court of the Capital City ruled in favour of NSFA, outlining that in the context of the law, “point of sale” did not include anything visible from a public place.

According to this decision, promotional POS material for tobacco will have to be placed specially in retail outlets so it cannot be viewed from outside. Since the first case, the court has ruled in favour of NSFA on nine other occasions, and forced CPD to do what was intended by the law: to protect the public from the interests of a small but powerful lobby group.

The efforts of NSFA have already started to bear fruit. Shop owners, fearing fines and court cases, began removing tobacco ads from their shop fronts. While indirect tobacco advertisements—such as the ubiquitous Marlboro logo—are still to be seen, there is unquestionably a change in the public acceptance of tobacco advertisements.

However, the reasons for the apparent collusion between a government department (the Ministry of Economic Affairs), a government based agency (CPD), and tobacco company interests remains to be understood and revealed.

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Australia: sudden death in Sydney

Are tobacco control advocates a sentimental lot, prone to overlooking the fact that, as tobacco industry apologists never tire of pointing out, “We all die eventually”? Or is it perhaps a case of those able to do Big Tobacco's dirty work being either a self selecting bunch of tough guys, or a group with a knack for denial about the medical consequences of their products, or both? Whatever accounts for the differences in the way the two sides view tobacco induced disease, an industry document that surfaced recently shed an interesting light on how a tobacco industry executive viewed a sudden death almost certainly aided by the free cigarettes that were routinely given to industry employees until comparatively recently.

In February 1972, almost exactly 10 years after the world's first expert review of the scientific evidence about the effects of smoking on health was published by the Royal College of Physicians of London, which included some strong conclusions about smoking and sudden cardiovascular death, a series of tobacco industry meetings took place in Australia. An American executive identified only as Bill, possibly William Kloefer from the US Tobacco Institute, wrote home to a colleague, “Dear Alex [almost certainly Alex Holtzman, general counsel to Philip Morris in the United States], Informal progress report. Damn good trip so far...” and went on to describe his first few days down under.

Describing a lunch at British Tobacco, he related how “Unfortunately, William Bengtsson whom I had just met and who was our host a[t] luncheon collapsed and died at the luncheon table, and my attempts to resuscitate him were completely fruitless. It was quite sad, as he was much liked and highly competent.”

Quite sad? Is that all? Was it a form of manly understatement, or just a colloquial turn of phrase of the time, as in the English translation of the famous 19th century German book of terrifying cautionary tales for children, *Struwwelpeter*? In that, young Conrad, who ignored his mother's instructions